IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3256 of 2005

Between:

Sri B.A. Sukur, s/o Late B. Abdul Aziz Saheb,
R/o Hindupur Town, Ananthapur District.

..... PETITIONER

AND

1 The Superintendent of Prohibition and Excise, Ananthapur.
2 The Deputy Commissioner of Prohibition and Excise, Ananthapur.
3 The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.
4 Sri R. Anjaneyulu, S/o N. Rangappa, Hindu,
17-3-644, Hindupur Post, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus declaring the action of the respondents No.1 to 3 in renewing the licence of the 4th respondent to run M/s Priya Bar and Restaurant in Hindupur Town, Ananthapur District in the building belonging to the petitioner, situated in Door No. 17-3-644, Hindupur Town, Ananthapur District, inspite of the representation of the petitioner dated 25-9-2004 as being illegal, unjust, arbitrary and violative of Article 14 of the Constitution of India and A.P.Prohibition Act 1955 and A.P. Indian Liquor and Foreign Liquor Rules of 1970 and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner:MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL ORDER:

Heard the learned counsel on both sides. Perused the material placed before me.

The petitioner is the landlord of the premises, where a bar and restaurant by the 4th respondent-licencee has been established in accordance with law, initially. The licence period had expired by 31.3.2004. Admittedly, there are tenancy disputes between the petitioner and the 4th respondent. In connection with the said disputes, the petitioner addressed a letter dated 25-9-2004, to the official respondents 1 to 3 requesting them not to renew the licence of the 4th respondent for running the bar and restaurant in the said premises under Rule 23 of the Excise rules. In spite of that, the respondents renewed the licence of the 4th respondent for the reasons best known to them. Hence the present petition seeking a writ of mandamus declaring the action of the respondents 1 to 3 in renewing the licence of the 4th respondent as arbitrary and illegal.

Learned counsel for the petitioner submits that the petitioner is bed ridden and so he wants to give away all his properties including the property in question to his successors. Accordingly he made a representation to the respondents, withdrawing his consent for renewing the licence in favour of the licencee to run the said business for the excise year 2005-06 in the said premises. If the

request of the petitioner is to be accepted by the respondents, perhaps, the licencee may have to choose an alternative accommodation. However, this aspect cannot be gone into by this Court in this writ petition since the same is in the realm of the respondents, in view of the representation made by the petitioner.

Accordingly, the writ petition is disposed of at the stage of admission, with a direction to the respondents 1 to 3 to consider the representation made by the petitioner and pass appropriate orders thereon, as expeditiously as possible. No costs.

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kvsn 01-03-2005

To

1 The Superintendent of Prohibition and Excise, Ananthapur.
2 The Deputy Commissioner of Prohibition and Excise, Ananthapur.
3 The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.

4 Two copies to the GP for Excise, High Court buildings, Hyderabad.

5 Two CDs.